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Judge weighs media access to FBI tape in spy trial

BALTIMORE (UPI) — A federal judge yesterday weighed a media request for access to wiretapped conversations between accused spy Ronald Pelton and federal agents as jury selection continued in Mr. Pelton's espionage trial.

NBC and A.S. Abell Communications — owner of Baltimore's NBC television affiliate and a Richmond, Va., television station — are seeking the tape of a 1980 conversation between Mr. Pelton and federal agents.

Prosecutors want to prohibit the press from hearing the tape, which they plan to play to the jury through headphones.

Mr. Pelton, 44, a former National Security Agency employee, is accused of selling national defense secrets to the Soviets for five years. Jury selection began

Monday, and court sources said they did not know how long it would take to seat a panel.

Mr. Pelton was turned in by KGB defector Vitaly Yurchenko, who eventually returned to the Soviet Union. He was arrested in an Annapolis hotel in November after two meetings with FBI agents.

Details of the information Mr. Pelton is accused of turning over to the Soviets are hidden behind secrecy laws, but court records reportedly indicate it involves the "Ivy Bells" plan — a project so secret its code name is classified.

CIA Director William Casey asked the Justice Department to consider prosecuting NBC News under a 1950 national security law for reporting the name of the project in a broadcast Monday morn-

ing.

"Ivy Bells," according to a military analyst who asked to remain anonymous, is part of a \$1 billion submarine reconnaissance operation.

Similar operations of U.S. submarine surveillance in Soviet waters, possibly even in Soviet harbors, have been reported in detail by experts on U.S. intelligence in publications including the authoritative International Security journal at Harvard University.

In a hearing before U.S. District Judge Herbert Murray, prosecutors Tuesday opposed the media groups' request for the taped conversation, saying it could cause irreparable damage to national security.

But Stewart Webb, an attorney for the media groups, said his clients are seeking the tape because they believe it is a matter of national importance and the American public has the right to know its contents.

"The reasons for secrecy are clearly overridden by the First Amendment rights of the press and the public," said Mr. Webb. "The only way to clear everything up is public scrutiny."

But Assistant U.S. Attorney Robert McDonald urged the judge to keep the tape recording protected from the press. "It remains a classified secret. . . . That means disclosure could cause harm to national security," he said.

Opening arguments in Mr. Pelton's trial are expected to begin Tuesday. A ruling on the motion is expected this week.